## REMARKS

New corrected drawings have been included as required by the Official Action.

The objection under 35 U.S.C. §112 to claims 3, 4 and 9-11 based on their containing the trademark/trade names Microsoft®.Net and/or Java™ has been addressed by amending claims 3, 4 and 9-11 to remove the trade-mark MICROSOFT and to employ JAVA in capitals as an adjective. Consequently, as amended, use of the trademark JAVA is a proper trademark use. The next issue is whether or not there are circumstances in which a trademark may be used in the application and claims. If the trademark has a fixed and definite meaning, it constitutes sufficient identification unless some physical or chemical characteristic of the article or material is involved in the invention (MPEP §608.01(v). The term JAVA is clearly understood by all persons skilled in the art of computer programming to refer to a cross platform programming language developed by Sun Microsystems. Thus, it has a fixed and definite meaning. It is noted that the Thomas reference cited in the Official Action uses the word "Java" throughout the specification and claims. Usage of the word "Java" occurs in many other patents as well such as U.S. Patent Nos. 6,816,882; 6,816,880; and 6,813,762 to mention only a few.

## Rejection under 35 U.S.C. 101:

Claims 9-11 have been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. It is stated in the Official Action that claim 9 is directed to a computer program per se and is not limited to a practical application of an abstract idea, which produces a useful, concrete, and tangible result as per the State Street Bank case (see p. 4 of Official Action). +

Applicant has amended claims 9-11 to claim a system including a computer network with a computer which clearly casts these claims as machine claims and within the ambit of 35 U.S.C. 101.

## Rejection under 35 U.S.C. 102(e):

Claims 1-3 and 5-11 have been rejected as being anticipated by Thomas et al. Thomas describes a method in which a client issues a request register, using a client specified language and communications protocol, to a broker or some other registry with which Internet services are registered. The broker (or registry) matches the client request and an Internet service, and transmits metadata to the client enabling the client to locate the matched Internet service communication proxy. The client downloads the proxy and interacts with the Internet service using the requested communication proxy, which is local to the client.

In Applicant's system, the client, running a first programming language, does not locate and download an Internet

service communication proxy but generates its own communication proxy from metadata information received from a server running a second programming language. The client then implements the proxy to establish bi-directional communication between the client and the server. Applicant, in generating the proxy, is able to optimize the proxy for the particular purpose for which it will be used such as to provide a more efficient way of establishing communications between Java and .Net objects. Thomas simply takes an existing proxy for the Internet service, which would not ordinarily be optimized for a particular client purpose.

## Rejection Under 35 USC §103(a)

Claim 4 has been rejected as obvious from Thomas in view of Zhang. If claim 1 is allowable so is claim 4.

It is believed that all issues raised have been addressed and favourable re-consideration is respectfully solicited. If, however, any minor issues remain, the Examiner is respectfully requested to call the undersigned for the purpose of resolving these issues.
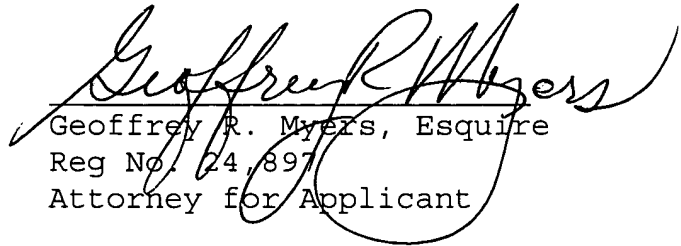
It is believed that no fee is due at this time.  If that determination is incorrect, then please debit Deposit Account No. 50-0644 and notify the undersigned.

Respectfully submitted,

MARK PHILIP GIBBONS

Dated: __11/17/04__

Geoffrey R. Myers, Esquire
Reg No. 24,897
Attorney for Applicant

Hall, Myers, Vande Sande
  & Pequignot
10220 River Road, Ste. 200
Potomac, Maryland  20854
(301) 983-2500